

Presented to the Court by the foreman of the
Grand Jury in open Court, in the presence
of the Grand Jury and FILED in the U.S.
DISTRICT COURT at Seattle, Washington

March 17, 2021

WILLIAM M. McCOOL, Clerk

By  Deputy

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff

v.

TABATHA DEAN VESSEY,

Defendant.

NO. CR21-5116 BHS

INDICTMENT

The Grand Jury charges that:

COUNTS 1-2

(Wire Fraud)

A. Introduction

1. As discussed herein, TABATHA DEAN VESSEY defrauded the United States by concealing and failing to disclose the fact that A.P. was deceased and therefore ineligible for benefits administered by the Social Security Administration (SSA), and instead stole for her own use more than \$38,000 in Social Security retirement benefits paid to A.P. after her death. By this fraud, TABATHA DEAN VESSEY collected more than \$38,000 in federally funded benefits to which she was not entitled. At all times

1 relevant to this Indictment, TABATHA DEAN VESSEY lived in Hoquiam, Grays
2 Harbor County, Washington.

3 **B. The Scheme and Artifice to Defraud**

4 2. Beginning in or about April 2013, and continuing until at least May 2016,
5 in Grays Harbor County, within the Western District of Washington and elsewhere,
6 TABATHA DEAN VESSEY did knowingly devise and intend to devise a scheme and
7 artifice to defraud the United States and to obtain money from the United States by
8 means of material false and fraudulent pretenses, representations, and promises, and
9 omission of material facts.

10 3. The essence of the scheme to defraud was that TABATHA DEAN
11 VESSEY concealed from, and omitted to disclose to, SSA the fact that A.P., a
12 beneficiary of Social Security retirement benefits at the time of her death, was deceased
13 and therefore no longer entitled to the SSA benefits. Instead, TABATHA DEAN
14 VESSEY accessed and used bank accounts in the name of A.P. to transfer and spend the
15 Social Security benefits that were mistakenly paid to A.P. after her death. As a result of
16 the fraud, TABATHA DEAN VESSEY collected Social Security benefit payments to
17 which she was not entitled.

18 **C. Manner and Means of the Scheme and Artifice to Defraud**

19 The manner and means used to accomplish the scheme to defraud included the
20 following:

21 4. It was a part of the scheme and artifice to defraud that, at all times relevant
22 to the indictment, TABATHA DEAN VESSEY was the longtime partner of, and lived
23 with, J.P. J.P. is the son of A.P. who is now deceased. Before she died, A.P. was a
24 recipient of Social Security retirement benefits. Those benefits were paid by direct
25 deposit into a Timberland Bank savings account held jointly by A.P. and her son, J.P.

26 5. It was a further part of the scheme and artifice to defraud that A.P. died on
27 March 22, 2013. At that time, A.P.'s entitlement to Social Security benefits ceased and
28

1 the benefit payments should have stopped. However, SSA continued to pay the monthly
2 benefits by direct deposit into A.P.'s Timberland Bank account.

3 6. It was a further part of the scheme and artifice to defraud that, following
4 A.P.'s death, TABATHA DEAN VESSEY caused the deposited Social Security benefits
5 to be transferred from A.P.'s savings account to a linked Timberland Bank checking
6 account, also held in the name of A.P. and J.P.

7 7. It was a further part of the scheme and artifice to defraud that TABATHA
8 DEAN VESSEY then caused at least 150 Automated Clearing House ("ACH") Direct
9 Payment transactions to issue from A.P.'s Timberland Bank checking account to various
10 companies and entities, including, among others, Verizon Wireless, Reliable Credit,
11 Comcast Cable, First Savings, Legacy Visa (First National), Capital One, First Premier
12 Bank (FPB) Credit Card, and Chase Cards. These payments were used to pay phone and
13 cable bills, credit card bills, auto loans, and other obligations belonging to TABATHA
14 DEAN VESSEY.

15 8. It was a further part of the scheme and artifice to defraud that TABATHA
16 DEAN VESSEY knew that the Social Security benefits had been paid in error and that
17 the money was the property of the United States. However, TABATHA DEAN
18 VESSEY knowingly converted the payments to her own use or the use of another.

19 9. It was a further part of the scheme and artifice to defraud that TABATHA
20 DEAN VESSEY used a Bank of America credit card account held in A.P.'s name to
21 make purchases after her death totaling \$16,800.

22 **D. Execution of the Scheme and Artifice to Defraud**

23 10. On or about the dates set forth below, within the Western District of
24 Washington, and elsewhere, TABATHA DEAN VESSEY, having devised the scheme
25 and artifice to defraud described in Paragraphs 1 through 9, for the purpose of executing
26 this scheme and artifice, did knowingly transmit and cause to be transmitted the below-

1 listed interstate wire communications, with each transmission constituting a separate
2 count of this Indictment:

| 3 Count | Date | Amount | Wire |
|---------|------------|----------|---|
| 4 1 | 04/07/2016 | \$453.25 | ACH payment causing an interstate wire transmission from Timberland Bank in Washington to Reliable Credit Inc.in Oregon, to a US Bank account in Minnesota. |
| 5 2 | 04/07/2016 | \$116.00 | ACH payment causing an interstate wire transmission from Timberland Bank in Washington to Capital One Bank in Virginia |

9 All in violation of Title 18, United States Code, Sections 1343 and 2.

11 COUNT 3

12 (Theft of Public Funds)

13 11. The factual allegations contained in paragraphs 1 through 9 are realleged
14 and incorporated by reference as though fully set forth herein.

15 12. On or about the date set forth below, in Grays Harbor County, within the
16 Western District of Washington, and elsewhere, TABATHA DEAN VESSEY willfully
17 and knowingly embezzled, stole and converted to her own use and the use of another,
18 money of the United States. Specifically, TABATHA DEAN VESSEY converted to her
19 own use or the use of another benefits intended for A.P. and paid to A.P. after she was
20 deceased and no payment was owing, including the following specific payment, which
21 constitutes a separate count of this Indictment:

| 23 Count | Date | Amount | Agency |
|----------|------------|-----------|--------------------------------|
| 24 3 | 03/23/2016 | \$1098.00 | Social Security Administration |

25 All in violation of Title 18, United States Code, Sections 641 and 2.

ASSET FORFEITURE ALLEGATION

The allegations contained in Counts 1 – 3 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture. Upon conviction of any of the offenses alleged in Counts 1 – 3, the Defendant TABATHA DEAN VESSEY, shall forfeit to the United States any and all property constituting or traceable to proceeds of the offense. All such property is forfeitable pursuant to Title 18, United States Code, Section 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c), and includes but is not limited to a sum of money reflecting the proceeds the Defendant obtained from the offense.

Substitute Assets. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant,

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with a third party;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or,

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1 5. has been commingled with other property which cannot be divided without
2 difficulty;
3 it is the intent of the United States, pursuant to Title 21, United States Code, Section
4 853(p), to seek the forfeiture of any other property of the Defendant up to the value of the
5 above-described forfeitable property.

6
7 DATED:

8 A TRUE BILL:

3/17/2021

9 *Signature of Foreperson redacted*
10 *pursuant to the policy of the Judicial*
11 *Conference of the United States*

12 _____
13 FOREPERSON

14 _____
15 TESSA M. GORMAN

16 Acting United States Attorney

17 _____
18 KATE VAUGHAN

19 Assistant United States Attorney

20 _____
21 BENJAMIN T. DIGGS

22 Assistant United States Attorney